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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/837,499	04/18/2001	Frank Becker		7890

7590 06/03/2004

WOOD, PHILLIPS, VANSANTEN,
CLARK & MORTIMER
500 W. Madison Street, Suite 3800
Chicago, IL 60661

EXAMINER

LEE, EDMUND H

ART UNIT	PAPER NUMBER
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1732

DATE MAILED: 06/03/2004

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary

Application No.

09/837,499

Applicant(s)

BECKER ET AL.

Examiner

EDMUND H. LEE

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-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --
Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 04 February 2004.
- 2a) ☒ This action is **FINAL**. 2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-14 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1-14 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
- ☐ Certified copies of the priority documents have been received.
 - ☐ Certified copies of the priority documents have been received in Application No. _____.
 - ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- | | |
|---|---|
| 1) <input type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413) |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | Paper No(s)/Mail Date. _____ |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08) | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152) |
| Paper No(s)/Mail Date _____ | 6) <input type="checkbox"/> Other: _____ |

DETAILED ACTION

1. Claims 1 and 8-12 are rejected under 35 U.S.C. 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention.

The phrase "the connecting part" (cl 1, lns 7-8) lacks antecedent basis in the claim.

Correction is required.

2. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

3. Claims 1-2 are rejected under 35 U.S.C. 102(b) as being anticipated by Taylor (USPN 5817263) as set forth in the Office action mailed 9/30/03.

4. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

5. Claims 3-7 are rejected under 35 U.S.C. 103(a) as being unpatentable over Taylor (USPN 5817263) as set forth in the previous Office action mailed 9/30/03.

6. Claims 8-12 are rejected under 35 U.S.C. 103(a) as being unpatentable over Taylor (USPN 5817263). The above teachings of Taylor are incorporated hereinafter.

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Taylor teaches operatively connecting the respiratory filter to a respirator or fan filter unit (col 5, lns 55-60)--as a note, it is inherent that the filter of Taylor would be operatively connected a respirator or fan filter in order to use the product; providing an adapter and operatively connecting the respirator filter to the respirator or fan filter unit through the adapter (col 5, lns 55-60)--as a note, it is inherent that the filter of Taylor would be placed in a housing which is connected to the respirator or fan filter; molding the mixture to a make a positive gastight connection between the molded piece and the connecting part (col 8, lns 55-60)--as a note, it is inherent that a positive gastight connection is created in order to provide a gas filter; and providing a connecting part comprising the step of providing a ring-shaped connecting part (figs 1-2). Taylor, however, does not teach snap-fitting the respirator filter to the adapter. It is well-known in the molding art to connect parts by snap-fit. Thus, it would have been obvious to one of ordinary skill in the art at the time the invention was made to use a connecting part having snap-fit capability in the process of Taylor in order to ensure a good connection between the connecting part and the respirator or fan filter unit.

7. Claims 13-14 are rejected under 35 U.S.C. 103(a) as being unpatentable over Taylor (USPN 5817263). Taylor teaches the combination of the respirator filter operatively connected to a respirator or fan filter unit (col 5, lns 55-60)--as a note, it is inherent that the filter of Taylor would be operatively connected a respirator or fan filter in order to use the product; and the respirator filter operatively connected to the respirator or fan filter unit through an adapter (col 5, lns 55-60)--as a note, it is inherent

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that the filter of Taylor would be placed in a housing which is connected to the respirator or fan filter.

8. Applicant's arguments filed 2/4/04 have been fully considered but they are not persuasive. Applicant argues that Taylor does not teach a filter operatively connected to a respirator or fan filter unit because there isn't any sort of connecting means associated with the filter and sleeve of Taylor. This argument is misplaced because the instant claims do not claim a connecting means. Taylor teaches using the filter in an end flow filter apparatus for gases thus there is an implication that the filter of Taylor is operatively connected to the end flow filter apparatus. If there is no operative connection between the filter and the filter apparatus, the filter apparatus would not be functional. Also, it should be mentioned that the sleeve of Taylor constitutes the claimed connecting part.

9. Applicant's amendment necessitated the new ground(s) of rejection presented in this Office action. Accordingly, **THIS ACTION IS MADE FINAL**. See MPEP § 706.07(a). Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire **THREE MONTHS** from the mailing date of this action. In the event a first reply is filed within **TWO MONTHS** of the mailing date of this final action and the advisory action is not mailed until after the end of the **THREE-MONTH** shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of

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the advisory action. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the date of this final action.

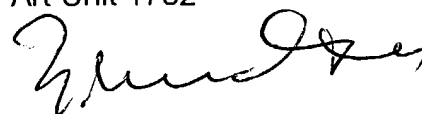
10. Any inquiry concerning this communication or earlier communications from the examiner should be directed to EDMUND H. LEE whose telephone number is 571.272.1204. The examiner can normally be reached on MONDAY-THURSDAY FROM 9AM-4PM.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Michael Colaianni can be reached on 571.272.1196. The fax phone number for the organization where this application or proceeding is assigned is 703-872-9306.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

EHL

EDMUND H. LEE
Primary Examiner
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6/1/04